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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,120	12/11/2003	Vincent C. Skurdal	200309729-1	1934
22879 7590 12/02/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
SAX, STEVEN PAUL				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
12/02/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/735,120

**Applicant(s)**

SKURDAL ET AL.

**Examiner**

Steven P. Sax

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-10, 12-22, 30, 31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-22, 30, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This application has been examined.
2. In response to remarks in the Brief filed 4/19/10, the rejection has been removed and a new rejection is presented below.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-3, 5-6, 8-10, 12-22, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al (7519703).
5. Regarding claim 1, Stuart et al shows a method to manage a power state of a processing system, comprising: sensing for a human presence in a region proximate a processing system independently of any human engagement of the processing system (abstract, column 3 lines 35-55, column 10 lines 1-30, column 13 lines 45-52); generating a status signal based on said sensing and controlling at least one user-perceptible output of the processing system based, at least in part, on said status signal (column 3 lines 40-60, column 7 lines 5-35, column 8 lines 1-10 and 40-60). The act of

controlling comprises providing electrical power to the processing system when a user is detected when electrical power had previously been turned off and when no user had previously been detected (column 3 lines 35-55, and especially column 13 lines 45-67).

6. Regarding claim 2, said act of sensing comprises sensing the region from which a user can view a visual output of the processing system (column 13 lines 51-63).

7. Regarding claim 3, said act of controlling comprises muting an audio output associated with the processing system when the human presence is detected (see column 9 lines 32-45 and note how the content displayed may include audio, then see column 14 lines 1-6 which cuts off the display and note that the audio is cut off with the visual).

8. Regarding claim 5, said act of controlling comprises blanking a display device associated with the processing system when the human presence is not detected (column 14 lines 1-7).

9. Regarding claim 6, said act of controlling comprises blanking a display device associated with the processing system if the human presence is not detected for a period of time (column 14 lines 1-7).

10. Regarding claim 8, in addition to that mentioned for claim 1, the display device has electrical power turned on for it when the user is detected (column 3 lines 35-55, and especially column 13 lines 45-67).

11. Claim 9 shows the same features as claim 2 and is rejected for the same reasons.

12. Regarding claim 10, the display device is powered up when the user is detected (column 3 lines 35-55, and especially column 13 lines 45-67).

13. Regarding claim 12, at least a portion of the processing system is powered up when a user is detected after a period when no user had been detected (column 3 lines 35-55, and especially column 13 lines 45-67).

14. Regarding claim 13, said causing comprises powering-down the display device when the user is not detected (column 14 lines 1-7).

15. Regarding claim 14, said causing comprises powering-down the display device when the user is not detected for a predetermined period of time (column 14 lines 1-7).

16. Claims 15-16 show the same features as claims 1-2 and are rejected for the same reasons. Furthermore, the means for generating a signal is a sensor ().

17. Regarding claim 17, the controller for turning on the electrical power is positioned within a remote control device (column 3 lines 30-45, column 15 lines 1-30).

18. Regarding claim 19, the display means for creating a user-perceptible image comprises a digital device (column 4 lines 33-60).

19. Regarding claim 20, the display device comprises a liquid crystal display (column 1 lines 33-43).

20. Regarding claim 21, the display device comprises a cathode ray tube (column 1 lines 33-43).

21. Regarding claim 22, the display device comprises a cathode ray tube (column 1 lines 33-43).

22. Regarding claim 30, in addition to claim 8, note a second device coupled to the display device wherein the second device contains a second processor and wherein a processing speed of the second processor can be affected by the signal (column 5 lines 1-25, column 10 lines 1-50).

23. Regarding claim 31, the sensor is located above the display (column 13 lines 35-60).

24. Regarding claim 33, the second device may be a tower, such as used in a wireless network (Figure 6, column 10 lines 1-50).

25. Regarding claim 34, note the personal computer (column 15 lines 30-45).

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al (7519703) and Abruna (5495302).

28. Regarding claim 4, Stuart et al do not specifically go into the details that said act of controlling comprises blanking a display device associated with the processing system when the human presence is detected, but note that in Stuart et al column 13 lines 55-67 after one type of media is displayed, the human presence is detected to be even closer and a new media type is displayed, and thus the display will switch out of displaying something, to displaying something else when the human presence is

detected. Furthermore, Abruna shows (column 6 lines 16-52 and column 7 lines 20-49) blanking a display device when the human presence is detected, to switch out of displaying something when a human presence is detected. It would have been obvious to a person with ordinary skill in the art to have this in Stuart et al, because it would be a convenient way to switch out of displaying something when the human presence is detected.

29. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

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